

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BANK OF AMERICA, N.A.,
Individually and as successor to LaSalle Bank,
National Association, a national bank
association,

Case No. 11-cv-0038

Plaintiff,

- against -

NEW YORK MERCHANTS PROTECTIVE
CO, INC., a New York corporation; NEW YORK
MERCHANTS ALARM RESPONSE, INC., a
Delaware corporation; and
NY MERCH PROT CO., INC., a
Delaware corporation,

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 03 2018 ★

LONG ISLAND OFFICE

Defendants.
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**ORDER APPROVING RECEIVER'S FINAL
REPORT AND ACCOUNTING AND DISCHARGING RECEIVER**

Upon the application of the Court appointed receiver, Ronald J. Friedman (the "Receiver"), for an order pursuant (i) discharging the Receiver and cancelling his bond; (ii) approving the Receiver's Final Report and Accounting dated October 31, 2017 (the "Final Report") in all respects;

AND, the matter having come to be considered by this Court on December 11, 2017;

NOW, upon the reading and filing of the Final Report, and the exhibits thereto, and all prior pleadings and proceedings in this matter; and no objection being filed thereto;

IT IS HEREBY ORDERED, that the Receiver's Report be entered into the record; and it is further

ORDERED, that the Receiver's Final Report, and all of the actions taken by the Receiver during the course of his Receivership are hereby approved in all respects; and it is further

ORDERED, that the Receiver's total commissions in this matter are \$355,220.87, and it is further

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ORDERED, that the Receiver shall apply the funds in the Receivership account to pay himself the sum of \$22,210.59¹, which amount is due and owing to the Receiver for his commissions; and it is further

ORDERED, that the Receiver shall apply funds in the receivership bank account to pay TRG Associates, Inc. the sum of \$190,000.00 as the agreed reduced balance due and owing for services rendered; it is further

ORDERED, that the Receiver shall apply funds in the receivership bank account to reimburse Silverman Acampora LLP, his attorneys, the sum of \$200,000.00 as the reduced balance owing for services rendered; and it is further

ORDERED, that the Receiver shall apply funds in the receivership bank account to reimburse TC Forensics (f/k/a KLG Computer Forensics) the sum of \$26,327.00 as the balance due and owing for services rendered; and it is further

ORDERED, that the Receiver shall apply funds in the receivership bank account to reimburse Cohen Leibowitz & Latman, P.C. the sum of \$1,254.50 as the balance due and owing for services rendered; and it is further

ORDERED, that the Receiver shall apply funds in the receivership bank account to reimburse Carter, DeLuca, Farrell & Schmidt, LLP the sum of \$600.00 as the balance due and owing for services rendered; and it is further

ORDERED, that the Receiver shall distribute the remaining funds in the receivership to Bank of America, N.A.'s assignee, \$19,710.59; and it is further

ORDERED, that the Receiver shall apply funds in the Receiver's bank account to pay LaMonica, Herbst & Maniscalco LLP, as attorneys for Michael Gordon, the sum of \$7,500; and it is further

ORDERED, that the Receiver is authorized to assign any right, title, and interest he has in and to the Receivership estate to MBC Ventures, LLC; and it is further

¹ Which will yield total commissions paid in this matter of \$191,717.83, which is 54% of the total earned commission.

ORDERED, that the Receiver is discharged, and he is authorized to cancel his bond effective immediately; and it is further

ORDERED, that the Receiver shall be permitted to destroy all documents and electronically stored information attendant to his Receivership within ^{ninety (90)} thirty (30) days hereof, without further notice to any party in interest, however, to the extent that MBC Ventures, LLC is desirous of becoming the custodian of such documents and electronically stored information at its sole cost, the Receiver shall make the foregoing available to it for up to thirty (30) days from the date of entry hereof; and it is further

ORDERED, that a copy of this Order be served by mail on all parties who have appeared in this action within ten days of entry.

Dated: ~~12/23/2017~~ 1/3/2018

/s/ (JMA)

U.S.D.C.

Joan M. Azrack

The Clerk of the Court is directed to
close the case. So Ordered